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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/490,172	01/22/2000	Deborah T. Marr	2207/7942	6827

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EXAMINER

CHEN, TE Y

ART UNIT

PAPER NUMBER

2171

DATE MAILED: 09/30/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/490,172

Applicant(s)

Marr

Examiner

First Last

Art Unit

1234



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on Jul 24, 2003
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1, 3-11, and 13-20 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 3-11, and 13-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some\* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

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***Response to Amendment***

***Request for Continued Examination***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 07/24/2003 has been entered.

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2. This is in response to amendment filed on 07/24/2003 (paper # 14).

3. Claims 1, 3-11, 13-20 remain for examination, claims 1, 3,4, 10, 11, 13, 14 and 20 have been amended, claims 2 and 12 have been canceled.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

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5. Claims 1, 3-9, 11 and 13-19, are rejected under 35 U.S.C. 102(e) as being anticipated by Kimura et al. (U.S. Patent. No. 6,105,127).

6. Kimura et al's patent (EP 0827071) was provide twice by applicant via IDS filed on 10/03/2001 and 08/07/2002.

7. As to claim 11, Kimura et al. (Hereinafter referred as Kimura) disclosed an apparatus for establish thread priority in a processor [Title; Abstract; Fig. 2] comprising:

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a) a memory to store a value to indicate which one of the threads has a higher priority [Fig (s). 3-7; Fig. 15];

b) a resource allocated between the plurality of threads depending on a priority assigned to each thread in the memory [e.g., Abstract, lines 10-15; the shared resource functional unit, col. 6, lines 19-30; col. 8, lines 17-27].

8. As to claims 13-19, in addition to the feature of claim 11, Kimura further disclosed that access to the resource is given to the thread with higher priority and the usage of the resource [e.g., col. 4, line 64-col. 5, line 10; col. 6, lines 26-30], wherein the resource is a decode unit [1-3, Fig. 2; instruction decode units 1-3; Fig. 13; 111-113, Fig. 15] in a processor system, the decode unit correspond to a bus unit [for example, Internal Bus and Instruction Decode Units 1-3, Fig. 13] which including queues [for example, 30, 40, 50, Fig. 2; 140, Fig. 15] to storing bus

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requests from a plurality of threads [Fig. 2; Fig. 8; Fig. 11; Fig. 13] and control logic [60, Fig. 2; 60, 150, 170, Fig. 15] couple to the queues to select based on the priority value [Fig. 2; Fig (s). 8-9; Fig. 11; Fig. 13; Fig. 15].

9. As to claims 1, 3-9, the steps in the claimed method is deemed to be made inherit by the functions of the apparatus structure of claims 11, 13-19 in the combination discussed above, hence were rejected for the same reasons.

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***Claim Rejections - 35 USC § 103***

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 10 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kimura et al. (U.S. Patent. No. 6,105,127) and in view of Hewitt et al. (U.S. Patent. No. 6,339,808 ).

12. As to claim 20, Kimura did not specifically disclosed the system having an APIC TPR register for storing the priority value of a thread.

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13. However, Hewitt et al. (Hereinafter referred as Hewitt) disclosed a system including an APIC TPR register for storing the priority value of a thread [221, 223, 225, 227, Fig. 2; col. 5, lines 4-8; Table 1].

14. Thus, It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Kimura and Hewitt, because by including an APIC TPR register for storing the priority value of a thread in Kimura's system would allow the system to execute the system tasks based on the priority values set by the advanced programmable interrupt controller (APIC) for multiple threads within the single processor.

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15. As to claim 10, the steps in the claimed method is deemed to be made obvious by the functions of the apparatus structure of claim 20 in the combination discussed above, hence were rejected for the same reasons.

#### ***Response to Arguments***

16. Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.

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17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Susan Chen whose telephone number is (703) 308-1155. The examiner can normally be reached Monday through Friday from 7:30 A.M. to 4:30 P.M.

18. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic, can be reached at (703) 308-1436. The fax phone numbers for this group is: (703) 872-9306.

19. Any inquiry of a general nature of relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-9600.

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Susan Chen

Sept. 23, 2003



UYEN LE  
PRIMARY EXAMINER  
AU 2171